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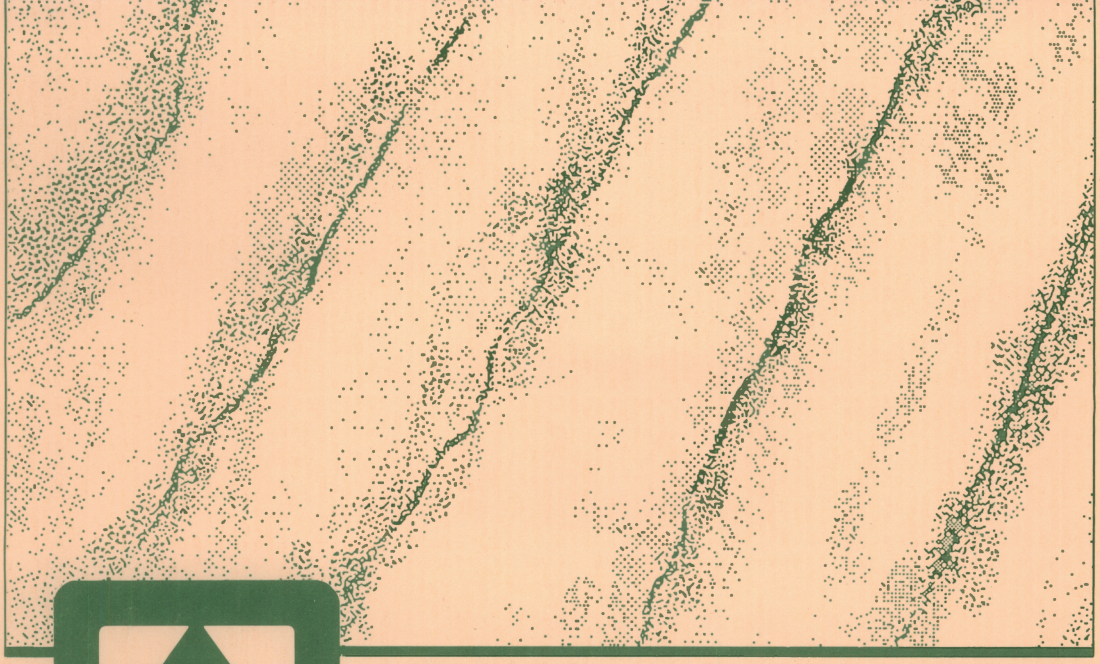

Annual Report 1987

Hazardous Waste Facilities Siting Commission

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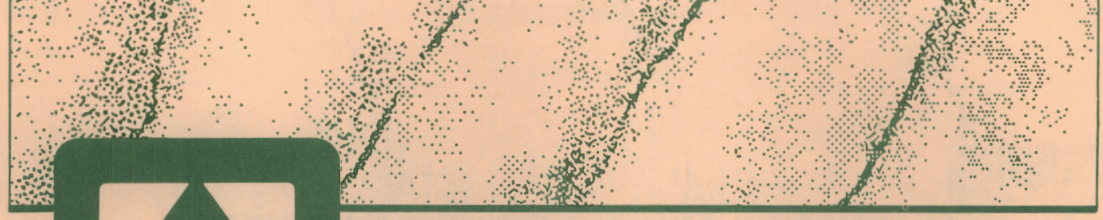


Honorable Thomas H. Kean
Governor of the State of New Jersey
and Members of the New Jersey Legislature

It is my pleasure to submit the Hazardous Waste Facilities Siting Commission's 1987 Annual Report for your consideration. This report summarizes the Commission's activities from January through December, 1987.

The crucial work of the Siting Commission is continually being challenged; however, the Commission remains committed to a decision making process which is not only based on facts, but is also open to extensive public participation. The Commission continues to rely on support from other state agencies to assist in its programs. The Departments of Environmental Protection, Treasury, Transportation, and Health, as well as the Office of the Attorney General, cooperate to help the Commission meet its goal of utilizing existing governmental expertise.

Work in 1987 was very crucial to the efforts of the Siting Commission. Based upon recommendations made to the Commission by its site search consultant, several sites that failed to meet certain criteria were eliminated from the list of potential hazardous waste incinerator and land emplacement facility locations.

The Siting Commission continues its research of hazardous waste management practices in the United States as well as in New Jersey. Studies initiated by the Hazardous Waste Advisory Council and the Source Reduction and Recycling Task Force have indicated an ongoing interest in new methods to encourage further hazardous waste reduction, recycling and exchange.

The Hazardous Waste Facilities Siting Commission is thankful for the support and cooperation it has received in its efforts to improve hazardous waste management in New Jersey. We look forward to your continued support in the controversial process of siting new hazardous waste facilities.

Sincerely,

Frank J. Dodd, *Chairman*

Introduction

The Hazardous Waste Facilities Siting Commission has been coping with the difficulties and technical realities of developing new treatment and disposal capacity to properly manage New Jersey's waste streams. Although policies are being implemented to encourage waste generators to produce less waste, and to recycle or recover wastes when possible, hazardous waste management remains a major public concern in the State. As a comprehensive management program, it involves not only the Commission and the New Jersey Department of Environmental Protection (NJDEP), but also every resident of New Jersey. It is further complicated by constantly changing laws.

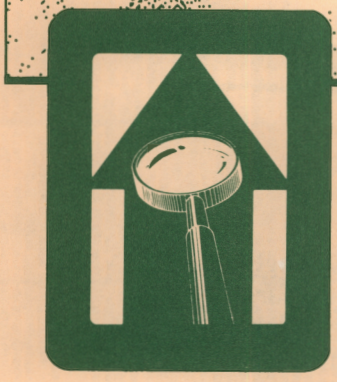
Hazardous waste management has been impacted by the Superfund Amendments and Reauthorization Act of 1986 (SARA). Although the major goal of the law is to facilitate cleanups at Superfund sites by imposing new requirements and schedules upon the United States Environmental Protection Agency (USEPA), it also authorizes the federal government to withold Superfund money in states that fail to make good faith efforts to assure future hazardous waste disposal or treatment capacity. This provision, which will become effective in October, 1989, requires states to enter into contracts or cooperative agreements with the USEPA to assure that adequate capacity will exist for disposal or treatment of all hazardous wastes anticipated to be generated in the state within a twenty year period.

Currently, the Executive Director is participating in the capacity assurance work groups at the USEPA which will help determine the nature and scope of assurance requirements. At this stage it appears that, at a minimum, all states will be required to undertake a planning process similar to that initiated in New Jersey.

During 1987, the Hazardous Waste Facilities Siting Commission made substantial progress in planning for hazardous waste treatment and disposal capacity. With the help of the Hazardous Waste Advisory Council, the Commission continued to make important contributions to improving hazardous waste management in New Jersey by:

- ❑ continuing with the site search efforts,
- ❑ hiring a contractor to update the **Hazardous Waste Facilities Plan;**
- ❑ initiating the **Household Hazardous Waste Study;**
- ❑ completing a **Source Reduction and Recycling Task Force Report;**
- ❑ continuing to survey the needs of firms that generate small amounts of hazardous wastes;
- ❑ publishing **Siting Update,** the Commission's newsletter;
- ❑ coordinating the activities of the Consortium of State Hazardous Waste Siting Authorities.

These tasks are described further in the following sections of this report. The responsibilities of the Commission continue to grow as issues concerning the siting process become more complex. However, the work of the Commission, in coordination with other state agencies, has helped to move New Jersey one step closer to more responsible hazardous waste management.



Site Search

The Commission's state-wide search for hazardous waste facility sites builds on work done by the Hazardous Waste Advisory Council and the NJDEP in 1981 through 1983. These bodies developed and adopted siting criteria *(N.J.A.C. 17:26-13.1, et seq.)* to assist the Commission in choosing sites.

The goals that guide the Commission's site search include protecting the population, providing safe transportation, protecting surface water and ground water, as well as preserving air quality and environmentally sensitive areas. The complexities and realitites of siting are intensified when the issue of land use is considered. Given the dense population of the state and the determination to retain agricultural land in the face of development pressures, the Commission is further challenged to properly balance these needs with the realities of hazardous waste management.

Ten sites were investigated in 1986 and 1987 and three remained under active consideration in December, 1987. From the beginning, the Commission was aware that not all of the original proposed sites would meet the criteria. The point of the on-site investigation was to confirm compliance with the criteria. Thus the elimination of sites is an ultimate confirmation of the process and helps avoid the temptation to retain marginal sites.

By the end of 1987, three locations remained as potential sites for the construction of a hazardous waste incinerator. Based on research conducted and recommendations given by Rogers, Golden and Halpern, the Commission's consultant, Burlington, Edison, and Millstone Townships were retained for further investigation.

The Commission also encourages industrial firms interested in providing a site for a hazardous waste facility to submit an application. This additional method of siting facilities is further explained in the section of this report titled "Other Commission Activity."

The Commission anticipates receipt of RGH's recommedations in the summer of 1988, and based upon these recommendations and other considerations, the Commission will choose one or two sites for designation.

Hazardous Waste Facilities Plan

The **Hazardous Waste Facilities Plan**, required by the Major Hazardous Waste Facilities Siting Act *(NJSA 13:1E-49 et al.)*, was adopted in March, 1985 with the purpose of defining the State's needs for commercial treatment and disposal facilities for the following three to five years. Prepared under contract by Environmental Resources Management, Inc. (ERM), the Plan analyzed current hazardous waste generation, estimated future waste generation to 1988, and identified the types and capacity of facilities needed to best handle these wastes.

ERM's analysis has shown a clear need for rotary kiln incineration capacity of at least 50,000 to 75,000 tons per year, and possibly as much as 110,000 tons per year. Also, the State needs land emplacement capacity of 110,000 to 120,000 tons per year. Specialized types of treatment will be required as the State maximizes the treatment of hazardous waste.

In November, 1987, ERM was awarded the contract to update the **Hazardous Waste Facilities Plan**. The current investigation will be an extension and an expansion of the work done in 1985. The challenge involved in projecting needs on a state level is that the situation is a "moving target." Therefore, computerized analytical techniques will be installed for the Commission's use in continuing its facilities planning program. This system will allow New Jersey to share regional information with other states in an interactive manner.

The key elements to be examined in the **Plan** update will be the impact on capacity from cleanups, waste minimization, and the recently passed Federal landfill bans. These issues will become even more important in 1988 as the Commission attempts to refine its capacity projections. ERM will also work to improve the analysis of the specific sources of waste in order to better determine the level of incineration capacity.

By providing the Commission with broad options and explanations of the implications of each of New Jersey's economic and environmental goals, ERM will provide the State with an updated **Plan** that is not only visionary, but also technically sound.

Other Commission Activity

The Siting Act also provides for an "alternate or additional" method of siting facilities. Industrial firms that are interested in providing a site for a hazardous waste facitlity are encouraged to submit an application for site designation to the Commission, which will then review any application against the siting criteria and the Plan.

When such formal proposals are considered, the Commission must notify the affected municipalities and county within a sixty-day period. The Commission would then prepare its own Site Evaluation Report (SER) to address remaining criteria and to verify conclusions reached in the application for site designation. At the same time, funds would be provided to the municipality to conduct a Municipal Site Suitability Study (MSSS), which basically gives municipal and county officials the opportunity to verify or dispute the accuracy and completeness of the data collected by the applicant and the Commission's consultants.

In addition to the MSSS, the Commission may also be directed by the requestor to prepare an Environmental and Health Impact Statement (EHIS). This study would include developing a proposed facility description, an analysis of the environmental setting of the proposed facility, and an assessment of the likelihood of adverse environmental impacts.

The Siting Act also provides a third procedure for siting facilities. In addition to sites chosen by the Commission and sites proposed by private companies, the expansion of existing facilities may also occur. This type of site involves an expansion of greater than fifty percent at an existing commercial facility and would require that an EHIS be prepared at the company's expense. Once the EHIS is completed, it would be submitted to the NJDEP as part of the permit application.

At present, several companies have submitted letters of intent to host rotary kiln incinerators. Once the formal applications have been filed, the Commission will begin the site evaluation process.

In addition to its siting responsibilities, the Commission is also involved in other issues pertaining to hazardous waste management. In the past, the Commission had awarded a contract to the Technology Information Policy Program at Syracuse University to conduct a survey of Small Quantity Generators (SQGs), firms producing less than 100 kilograms per month, in order to estimate the amounts of wastes being generated by such firms, and to determine their current management practices and their future trends in management. Since this study showed that the lack of expertise and continually changing laws created problems for SQGs in meeting regulations, it was suggested that the Commission expand the scope of the University's work to include the development of an interactive computer database.

Thus, in January, 1987, the Commission, with a grant from the USEPA, authorized Syracuse University to develop a "strategic scanning system" which would be able to identify anticipated changes in facility demand, provide notification of those changes, and indicate why the changes will take place. This system will be shared with other states when it is operational.

Consortium of State Hazardous Waste Siting Authorities

In April, 1985, Richard J. Gimello, the Siting Commission's Executive Director, was elected President of the Consortium of State Hazardous Waste Siting Authorities. The Consortium is a professional society whose membership is directly involved with state efforts to develop new hazardous waste treatment and disposal capacity.

Currently, the Consortium is working with the USEPA and the National Governor's Association on the capacity assurance program required under Section 104 (c)(9) of The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This program is designed to assist states in their efforts to certify, by 1989, the availability of treatment and disposal capacity.

Additionally, the Consortium is reviewing the draft Federal location standards being developed pursuant to the 1986 Resource Conservation and Recovery Act Amendments. The Consortium continues to be an important source of information about innovative siting efforts, new technologies and advances in public, industrial and governmental relations.

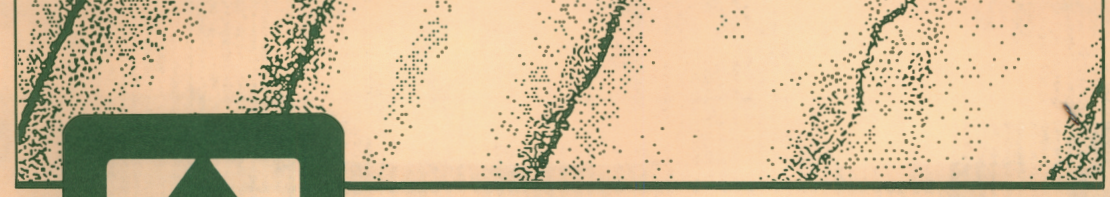
Mr. Gimello's leadership role within the organization guarantees that New Jersey will remain in the forefront of these critical policy issues.

Hazardous Waste Advisory Council

Under the leadership of Dr. John Liskowitz, the Hazardous Waste Advisory Council advises both the NJDEP and the Siting Commission on hazardous waste issues. In January, 1987, the Council requested that Science Applications International Corporation (SAIC) be awarded a contract to assist with a study on household hazardous waste (HHW). Through a bill passed in August, 1986, the Legislature had authorized the Council to conduct such a study that would estimate the amount of hazardous wastes that are produced in the home, determine how these wastes are being handled and discuss appropriate handling methods.

The **Household Hazardous Waste Study** was submitted to the Council and the Siting Commission on November 16, 1987 and stresses the importance of implementing a public education campaign as the most important element of any long-term strategy for HHW management. The study also concludes that any long-term strategy must take into account the demographic characteristics of the municipality, local area possibilities for source reduction, and options for State grants and technical assistance. The study has prompted the Council to further consider options for encouraging State and local involvement in HHW collection programs.

In addition to their work in the household hazardous waste management area, the Council continues to support the Commission's efforts to develop new treatment and disposal capacity to properly manage New Jersey's waste streams. The Council also continues to advise the Commission on the site search process.

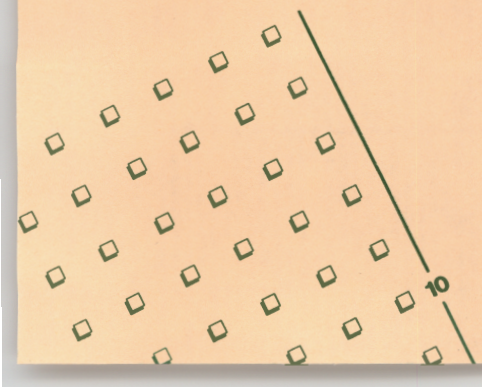


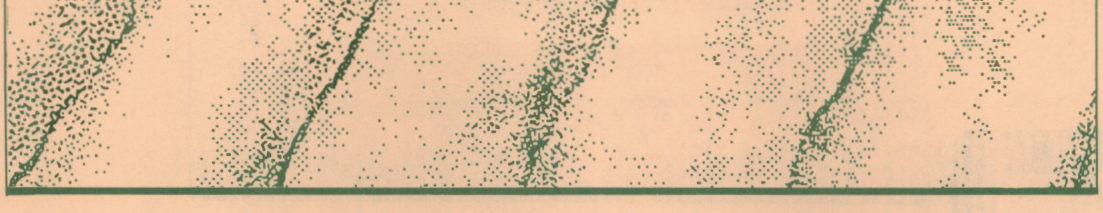
Source Reduction and Recyling Task Force

In its **Plan**, the Commission developed a waste management hierarchy that advocates waste reduction, recycling and recovery over other forms of waste management. The Source Reduction and Recycling Task Force strives to implement that hierarchy by initiating policies to encourage hazardous waste source reduction and recycling in order to reduce the volume of waste treated off-site.

On March 18, 1987, the New Jersey Source Reduction Reduction Roundtable was held at Trenton State College in Trenton, New Jersey. This roundtable was the third in a series of discussions addressing hazardous waste source reduction in New Jersey. The first Roundtable, held in 1984, had given an overview of source reduction and recycling issues, while the second Roundtable, in 1985, had discussed Technical Assistance Programs that help generators reduce their waste.

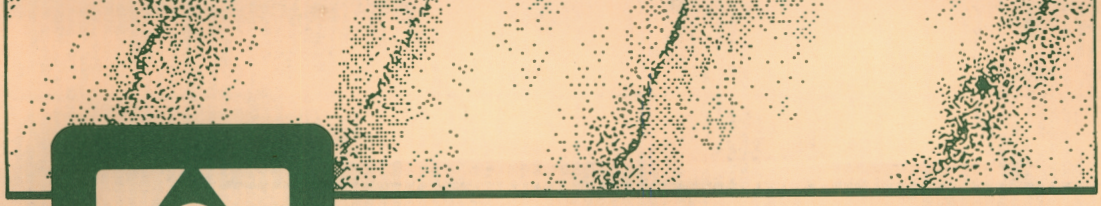
The 1987 Roundtable, sponsored by the Task Force and the Siting Commission, presented the results of a study conducted for the Task Force by Environmental Resources Management, Inc. (ERM). This report, **A Study of Hazardous Waste Source Reduction and Recycling in Four Industry Groups in New Jersey,** discusses current and future source reduction efforts in four major industrial groups: inorganic chemical manufacturers, polymer manufacturers, manufacturers of electronic components, and electroplaters and metal finishers. The objectives of the study included interviewing company personnel responsible for waste management in individual firms to determine their perceptions of source reduction as a management method, assessing the motivations for and barriers to achieving further source reduction, and evaluating future policy options to promote source reduction in these industries.





The report determined that the motivation for source reduction in industry is primarily economic: to save on material and disposal costs, and to diminish future liability of sending waste off-site for disposal. Source reductions techniques employed in the past and expected to be expanded in the future included changes in operations and processing, equipment modifications, and waste recycling and segregation. Barriers to achieving more source reduction included the small quantity of wastes to be reduced, the low value of recoverable materials within wastes, the need for substantial capital investments, and the high cost of investigations.

This report was presented to the Commission in June, 1987. It was used by the Task Force in preparing the report to the Governor and the Legislature, released in January, 1988, which lays out the first phase of an appropriate source reduction and recycling program for New Jersey. This comprehensive plan calls for a multi-media approach to source reduction, the establishment of a Technical Assistance Program to assist hazardous waste generators to voluntarily reduce their wastes, and the inclusion of a member from the Task Force and the Commission on NJDEP's Internal Waste Minimization Committee.



Public Participation

While the siting process continues, public concern about hazardous waste in New Jersey grows. The Siting Act, which established the Commission, has built public participation into the siting process. Public input has not only helped develop the criteria and the **Plan**, but also the implementation of the criteria during the site search.

The Siting Commission has been struggling with the difficulties and technical realities of siting facilities in New Jersey, the most densely populated state in the nation and home to a large number of manufacturers that generate hazardous wastes as by-products. The Commission is also still concerned with land use issues, which include retaining agricultural land in the face of development pressures and strains being placed on the existing transportation network. Thus, it is vital that the public keep an open mind as the Siting Commission continues to hold its siting deliberations in public session.

As the process continues towards the selection of sites for developing new capacity, the direct participation of affected parties plays even a larger role in the Commission's decision making process. Specifically, the Commission will provide grants to the municipalities where sites are proposed, to allow them to independently study the site's suitability. The conclusions of this study and comments from other interested parties will be heard before an administrative law judge, who will make a recommendation to the Commission on site adoption. Once a decision on site adoption is made, the Commission will be expanded to include two members from the affected areas. These public participation provisions of the Siting Act assure that a fair decision will be made.

The Commission maintains that an impartial decision on siting hazardous waste facilities will occur only when open discussion is held on the merits of each site, and when political influence on the final choices is avoided. Although it is often difficult to maintain a process that is both open and focuses on technical and environmental suitability rather than political feasibility, this balance is essential in order to achieve the most equitable and environmentally suitable siting result.

Commission Publications

The following publications may be obtained from the Siting Commission Office:

A Citizen's Guide to the Major Hazardous Waste Facilities Siting Act

An Analysis of New Jersey Manifest Information 1981-1982

Analysis of New Jersey's Hazardous Discharge Site Cleanup Program

Basis and Background Document for New Jersey Major Hazardous Waste Facility Siting Criteria

Household Hazardous Waste Wheel

How it Works: Incinerating Hazardous Waste (brochure)

Methodology for New Jersey Hazardous Waste Facility Site Search

New Jersey Hazardous Waste Facilities Plan

New Jersey Household Hazardous Waste Study

Proceedings of the New Jersey Source Reduction Roundtable (held March 18, 1987 at Trenton State College, Trenton, New Jersey)

Siting Update (Commission Newsletter)

Source Reduction and Recycling Task Force Report

The Municipal Guide to Siting Hazardous Waste Facilities

Ways to Site: How Facilities are Sited in New Jersey (brochure)

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And immediately the cries are heard: "Get it out!" "Clean it up!" "Do it today!"

Answering those cries will require the construction of new, clean facilities to properly treat, suitably recycle, or safely store those hazardous wastes.

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Without such facilities we'll only be moving our hazardous wastes from one community to another, in a very dangerous kind of shell game.

And the longer we keep playing that game in New Jersey, the more every New Jerseyan stands to lose.

HAZARDOUS WASTE.
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or it won't ever go away.

For further information contact: Hazardous Waste Facilities Siting Commission, CN 406, Trenton, NJ 08625

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